**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU**

**FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929**

**Crl.Rev.Pet.No. 657 of 1997(E)**

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**CC.173/1995 OF JUDL.MAGISTRATE OF FIRST CLASS COURT, PAYYANNUR DATED 15/02/1997.**

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**PETITIONERS/ACCUSED:**

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1. **KUTTI ASSANTAKATH ABDUL AZEEZ, S/O. MOHAMMED, AGED 53, BUSINESS, REAL ESTATE AT PUTHIYANGADI, POST MADAI, KANNUR DISTRICT.**

2. **CHAPPIL ABDULKHADER, S/O. MAMMU, AGED 35, BUSINESS, -DO-.**

3. **MANNAM ASHRAF, S/O. ABDULLA, AGED 25, DRIVER, -DO-.**

4. **MANNAM ASAD, S/O. ABDULLA, AGED 20, DRIVER, -DO-.**

5. **KALATHILA PURAYIL SIDDIQUE, AGED 25, -DO-.**

**BY ADV. SRI.V.RAMKUMAR NAMBIAR,**
**SRI.C.K.SHERIN.**

**RESPONDENT/COMPLAINANT:**

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**STATE OF KEALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

**BY PUBLIC PROSECUTOR SRI. C.K. SURESH.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**K.R. UDAYABHANU, J.**

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Crl. R.P. No.657 of 1997

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Dated 22nd June, 2007

**ORDER**

The revision petitioners who are the accused Nos. 1, 3, 5, 6 and 8 have been charge sheeted for the offence under sections 143, 147, 148, 427 read with 149 IPC in Cr.No.35/95. The prosecution allegation is that on 2-2-95 the accused pelted stones at the office of a political party and caused a loss to the tune of Rs.3000/-. The Government Pleader applied for withdrawal on the ground that pursuing the proceedings would not be in the interest of peace in the locality and also on the ground that no sufficient evidence was available in proof of the overt acts alleged against the accused. The court below dismissed the application as the de facto complainant has opposed the same. Notice was served on the de facto complainant and the same was served by affixture. There was no representation for the de facto complainant.

2. I find that the court below has just dismissed the

application on the ground that the de fcto complainant had opposed the same. Considering the nature of the alleged offences, I find that the application of the Public Prosecutor with respect to the need for withdrawal need not be suspected. Further more, the matter is of the year 1995.

In the circumstances, the order of the court bow is set aside. The proceedings before the court below will stand withdrawn and the accused acquitted.

The Crl.R P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P. 657 OF 1997

ORDER

22-6-2007.